

CHAPTER 6. REGISTRATION OF SELLERS, INSTALLERS AND REPAIRERS OF WEIGHING AND MEASURING DEVICES

Sec.	
6.1.	Purpose.
6.2.	Registration requirement.
6.3.	Field standards.
6.4.	Registration procedure.
6.5.	Registration card.
6.6.	Newly-installed or repaired commercial weighing and measuring devices.
6.7.	Expiration/renewal of registration.

Authority

The provisions of this Chapter 6 issued under the Consolidated Weights and Measures Act, 3 Pa.C.S. §§ 4101—4194, unless otherwise noted.

Source

The provisions of this Chapter 6 adopted May 7, 1999, effective May 8, 1999, 29 Pa.B. 2460, unless otherwise noted.

§ 6.1. Purpose.

This chapter establishes the program referenced in section 4113 of the act (relating to registration of sellers, installers and repairers of weighing and measuring devices), under which individual persons engaged in the business of selling, installing, servicing and repairing various types of commercial weighing and measuring devices shall register with the Department, maintain field standards that adequately test weighing and measuring devices being placed into commercial service and provide the Department notice of newly-installed commercial weighing and measuring devices. For purposes of this chapter, “individual persons” are natural persons and not corporations, partnerships or other business entities.

§ 6.2. Registration requirement.

(a) *General registration requirement.* An individual person may not act as a seller, installer, servicer or repairer of commercially used weighing and measuring devices in this Commonwealth unless the person first registers with the Department in accordance with this chapter and obtains the registration card described in § 6.5 (relating to registration card).

(b) *Exception.* The registration requirement established in subsection (a) is not applicable in instances when the commercially used weighing and measuring device being sold, installed, serviced or repaired is a UPC scanning system, a PLU device or a component of either system or device.

§ 6.3. Field standards.

(a) *General requirement.* An individual person who is employed or engaged in the business of installing, servicing or repairing commercially used weighing and measuring devices shall have, maintain and use field standards that are adequate to test and place weighing and measuring devices into commercial service, and otherwise meet the requirements of NIST Handbook 44, or a subsequent amendment thereof.

(b) *Adequate field standards.* For purposes of this chapter, field standards will not be considered adequate for use in placing commercially used weighing and measuring devices into service unless there exists a verification of accuracy issued by the State Metrology Laboratory with respect to those field standards, and the verification of accuracy was issued within 1 year preceeding use of the field standards. This verification of accuracy may take the form of a "Report of Test for Weights and Measures Standards" or a similar document.

Cross References

This section cited in 70 Pa. Code § 4.13 (relating to reporting procedures for CEWM).

§ 6.4. Registration procedure.

(a) *Filing of registration form required.* An individual person who is employed or engaged in the business of selling, installing, servicing or repairing commercially used weighing or measuring devices shall submit a complete registration form to the Department, unless the commercially used weighing and measuring device being sold, installed, serviced or repaired is a UPC scanning system, a PLU device or a component of either system or device.

(b) *Registration form.* An individual person seeking to register with the Department under this chapter may obtain a registration form from the Department at the address in § 2.2 (relating to contacting the Department). The prospective registrant shall complete the form and return it to that same address. The registration form shall require the following information:

- (1) The name and mailing address of the person seeking to register with the Department.
- (2) A designation of whether the person seeking to register with the Department is a seller, installer, servicer or repairer of commercially used weighing and measuring devices.
- (3) The name and address of any business through which the person seeking to register with the Department is employed as a seller, installer, servicer or repairer of commercially used weighing or measuring devices.
- (4) A designation of the category or type of weighing or measuring device sold, installed, serviced or repaired by the person seeking to register with the Department.
- (5) If the person seeking to register with the Department is an installer, servicer or repairer of commercially used weighing or measuring devices, a

copy of the current verification from the State Metrology Laboratory that the field standards used by that person are accurate.

(6) Two identical 1-inch square color photographs (front facial view) of the person seeking a certificate.

(7) The date of the application.

(8) The signature of the person seeking to register with the Department.

(9) Other information the Department might reasonably require for registration.

(c) *Departmental action on registration form.* The Department will, within 30 days of receiving a complete registration form, mail the person who filed the registration form a registration card. If the registration form is incomplete, illegible or otherwise deficient, the Department will notify the person who filed the registration form, in writing, of the problem and the action required to resolve it. If the Department notifies a person who filed a registration form of some deficiency, its review and consideration of the registration form will cease until the deficiency is corrected, at which time the 30-day review period shall begin again.

Cross References

This section cited in 70 Pa. Code § 6.7 (relating to expiration/renewal of registration).

§ 6.5. Registration card.

(a) *Form of registration card.* The Department will provide a registrant under this chapter a registration card that may be carried conveniently on a registrant's person.

(b) *Contents of registration card.* A registration card will bear the following information:

(1) The name of the person to whom it is issued.

(2) The category or type of weighing or measuring device with respect to which the person is registered.

(3) The effective date of registration.

(4) The maximum expiration date of the registration, which, in accordance with § 6.7 (relating to expiration/renewal of registration), is 3 years from the date of registration.

(5) A unique identification number.

(6) A photograph of the person to whom it is issued.

(7) A statement that the person identified on the registration card has registered with the Department in accordance with section 4113 of the act (relating to registration of sellers, installers and repairers of weighing and measuring devices).

(8) Other information the Department might reasonably include on the registration card.

(c) *Ownership of registration card.* A registration card issued by the Department will remain the property of the Department. A registrant or other person

having physical possession of the registration card shall, upon written notice from the Department, surrender and return the registration card to the Department.

(d) *Obligation to produce registration card for inspection.* A registrant under this chapter shall possess the registration card whenever selling, installing, servicing or repairing a commercially used weighing or measuring device.

Cross References

This section cited in 70 Pa. Code § 6.2 (relating to registration requirement).

§ 6.6. Newly-installed or repaired commercial weighing and measuring devices.

(a) *Inspection required.* A newly-installed or repaired commercial weighing or measuring device, other than a UPC scanning system or PLU device, may not be used in commerce unless it has been inspected and sealed in accordance with the act and this part, or unless use in commerce occurs during a period of conditional short-term use as described in subsection (d).

(b) *Responsibilities of installer or repairer.* A registrant under this chapter shall promptly notify the Department of a commercial weighing or measuring device it installs or repairs. Although the initial notification may be made by telephone, written notice shall be mailed, faxed or delivered to the Department within 48 hours of the installation or repair. The written notice shall provide the following with respect to the device:

- (1) The location of the newly-installed or repaired device, the date of the installation or repair and a statement of whether the device is a newly-installed device or a repaired device.
- (2) The manufacturer's name or brand name.
- (3) The model number listed on the device.
- (4) The capacity of the device, if applicable.
- (5) The serial number of the device.
- (6) The category or type of weighing or measuring device to which the newly-installed or repaired device belongs.
- (7) The name and telephone number of a contact person through which the Department, a county sealer or a city sealer may arrange an inspection of the device.

(c) *Responsibilities of inspector.*

(1) *State inspectors.* If the Department has not delegated inspection responsibility to a county sealer or city sealer, it will inspect the newly-installed or repaired weighing or measuring device at the earliest date practicable, but within 15 days of the installation or repair, and affix a seal (as required) if the device meets the requirements of the act and this part.

(2) *County sealers and city sealers.* If the Department has delegated this inspection responsibility to a county sealer or city sealer, it will promptly notify the sealer of the installation or repair and the sealer shall inspect the newly-

installed or repaired weighing or measuring device at the earliest date practicable, but within 15 days of the installation or repair, and affix a seal (as required) if the device meets the requirements of the act and this part.

(d) *Conditional short-term use.* If the installer has fulfilled the responsibilities described in subsection (b), an uninspected, newly-installed or repaired commercial weighing or measuring device may be used in commerce for no more than 15 days from the date of installation or repair. If, for any reason, the inspection referenced in subsection (c) is not accomplished during this 15-day period of conditional short-term use, the device will be removed from commercial use until the inspection is completed and the Department is notified of the completed inspection.

§ 6.7. Expiration/renewal of registration.

If a person is registered under this chapter, registration shall expire 3 years from the date the registration card is issued. If, as a condition of registration in accordance with § 6.4(b)(5) (relating to registration procedure), the registrant was required to submit a copy of the current verification from the State Metrology Laboratory that the field standards used by that person are accurate, registration shall expire as of the expiration of that verification. Registration may be renewed by following the registration procedure in § 6.4.

Cross References

This section cited in 70 Pa. Code § 6.5 (relating to registration card).

[Next page is 7-1.]

6-6

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